APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,533	03/29/2004	David L. Matheny	P18484	2291

28062 7590 05/29/2007	EXAMINER
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ART UNIT	PAPER NUMBER
2116	

MAIL DATE	DELIVERY MODE
05/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 March 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/29/04</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   The office acknowledges the receipt of the following and placed of record in the file:

Application dated 3/29/04

2.   **Claims 1-21** are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   **Claims 1 and 21** are rejected under 35 USC 103(a) as being obvious over Applicant's

Admitted Prior Art (hereinafter, "AAPA") in view of Dennis et al. (hereinafter, "Dennis") U.S.

Patent No. 7,174,446.

Regarding Claim 1, AAPA teaches a method comprising:

selecting one of a BCV (boot connection vector) pointer and a BEV (bootstrap entry

vector) pointer to have a non-null value [AAPA, page-3 lines: 1-24]. AAPA does not disclose

expressly receiving input from a user; and in response to the input, a selection is made.

In the same field of endeavor (e.g. information handling system that may discriminate

between bootable devices), Dennis discloses

receiving input from a user [Dennis, col-4 lines: 51-53]; and

in response to the input, a selection is made [Dennis, col-3- lines: 47-59 and col-4 lines: 9-22; Fig-2(C)].

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have incorporated Dennis's teachings of user selection by an input from a user with the teachings of AAPA for the purpose of customizing the boot process according to user's need in order to minimize the booting time of a computer system.

Regarding Claim 2, AAPA together with Dennis teach the method according to claim 1 as described above. Dennis further teaches prior to receiving the input, prompting the user to select a boot option from among a plurality of boot options [Dennis, col-3 lines: 57-59 and col-4 lines: 15-22 & 43-60; Fig-2].

The motivation that was utilized in the combination of Claim 1, super, applies equally as well to Claim 2.

Regarding Claim 3, AAPA together with Dennis teach the method according to claim 1 as described above. Dennis further teaches wherein the prompting includes: displaying the plurality of boot options to the user [Dennis, col-3 lines: 57-59 and col-4 lines: 15-22(IPL devices such as floppy and hard disk are shown for user selection).

The motivation that was utilized in the combination of Claim 1, super, applies equally as well to Claim 3.

Regarding Claim 4, AAPA together with Dennis teach the method according to claim 1 as described above. Dennis further teaches wherein the input is received in response to the prompting [Dennis, col-4 lines 51-53].

The motivation that was utilized in the combination of Claim 1, super, applies equally as well to Claim 4.

Regarding Claim 5, AAPA together with Dennis teach the method according to claim 1 as described above. AAPA further teaches wherein the plurality of boot options includes:

at least one PXE (Pre-boot Execution Environment) option [AAPA, Page; 3 lines: 11-24];

at least one RPL (Remote Program Load) option [AAPA, Page:3 lines: 11-24]; and

at least one iSCSI (Internet Small Computer System Interface) option [AAPA, Page: 3 lines: 11-24].

Regarding Claim 6, AAPA together with Dennis teach the method according to claim 1 as described above. AAPA further teaches wherein the selecting includes changing the BCV pointer from a null value to a non-null value and changing the BEV pointer from a non-null value to a null value [AAPA, Page: 3 lines:19-24].

Regarding Claim 7, AAPA together with Dennis teach the method according to claim 1 as described above. AAPA further teaches wherein the selecting includes changing the BEV pointer from a null value to a non-null value and changing the BCV pointer from a non-null value to a null value [AAPA, Page: 3 lines:19-24].

Claim 8 is rejected on grounds corresponding to the reasons given above for claim 1 and furthermore Dennis discloses a system comprising a processor (inherently, computer has processor); and a memory coupled to the processor and storing a program [Dennis, col-5 lines: 34-51].

Regarding Claims 9-14, all the same elements of Claims 2-7 are listed, but in system form rather than method form. Therefore, the supporting rationale of the rejection to Claims 2-7 applies equally as well to Claims 9-14.

Regarding Claims 15-21, all the same elements of Claims 1-7 are listed, but in apparatus form rather than method form. Therefore, the supporting rationale of the rejection to Claims 1-7 applies equally as well to Claims 15-21.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
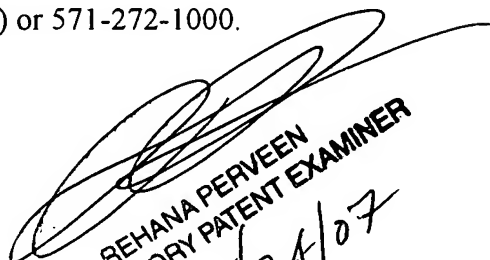
U.S. Pat. No. 7188239 to Osamu Funayama et al. This reference teaches shortening the system boot time by user deselected POST execution after reviving the system from stand by mode.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed H. Rehman whose telephone number is 571-272-1412. The examiner can normally be reached on 9.00-5.00 (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR

REHANA PERVEEN
SUPERVISORY PATENT EXAMINER
5/24/07